

Ms. Liz Garcia  
1460 Olympic Drive  
Milpitas, CA 95035

Dear Ms. Garcia:

Thank you for your letter of December 15, 1999, in which you expressed concern regarding hazardous waste exports to developing countries. Your correspondence was referred to me by the White House.

Let me begin with some facts regarding hazardous waste exports. In 1995, the U.S. generated 279,000,000 tons of hazardous waste and exported 226,563 tons (or 8%) of this waste. 121,214 tons (or 53.5%) of this exported waste went to Canada, 104,408.2 tons (or 46.1%) went to Mexico for recycling, and the remaining 941 tons (or .4%) of exported hazardous waste went to Finland, France, Japan, Sweden, and Switzerland. (These export figures do not include any amounts for spent lead-acid batteries that are exported, as the Environmental Protection Agency (EPA) does not have reliable figures on these exports at this time).

Under U.S. law, EPA must receive consent of the government of the importing country before export of hazardous waste from the U.S. can occur. The U.S. was one of the first countries to enact a law prohibiting hazardous waste exports without the consent of the importing country government.

The U.S. was a leader in negotiating the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, an international agreement establishing as a prerequisite to transboundary shipments of covered wastes, prior consent of the importing country and environmentally sound management. The U.S. signed this convention in 1990 and is currently developing the necessary legislation, which must be enacted by Congress, to enable us to ratify and implement the Convention. Under the terms of the agreement, parties cannot trade in hazardous wastes with non-parties, absent an agreement pursuant to Article 11 of Basel which does not derogate from the environmentally sound management provisions of Basel.

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Since the U.S. is not currently a party to the Basel Convention, there must be a bilateral agreement between us and the importing country that is consistent with the requirements of the Convention. Currently, the U.S. is a party to the following waste export bilateral agreements:

- OECD (a consortia of **developed** countries) C(92)39/Final. This governs trade in wastes among all 29 OECD countries **for recycling only**, for both export and import.
- Canada: This governs trade in **both recycling and disposal** for both export and import.
- Mexico: This agreement, formally known as the ALa Paz Agreement@ governs **recycling** and is for export and import.

There are legitimate reasons why waste exports can occur. As noted above, most hazardous waste exports from the U.S. go to Canada and Mexico. Oftentimes, the nearest waste management facility capable of handling a particular waste stream may be on the other side of an international border from the point of generation. In addition, over half of the waste exported from the U.S. is exported for the purpose of recycling, thereby allowing waste management facilities in other countries to reclaim and reuse valuable materials, such as precious metals. In fact, except for some wastes sent to Canada, all 1995 U.S. hazardous waste exports were for recycling.

However, despite our best efforts to regulate hazardous waste exports, we periodically uncover cases of hazardous wastes being illegally exported to other countries under the guise of recycling. For this reason, EPA has developed a strong enforcement program in the area of hazardous waste exports and has had several successes in both the civil and criminal enforcement arenas. EPA has a strong working relationship with U.S. Customs to ensure that hazardous wastes leaving the country are properly packaged and documented and that U.S. hazardous waste imports also comply with U.S. hazardous waste regulations. EPA and U.S. Customs conduct random spot checks at the borders and often coordinate with Mexican or Canadian Customs officers during such activities.

In addition, EPA utilizes reporting and record keeping requirements to ensure that exports occur properly and in compliance with all regulations. EPA also relies on tips from the public who may, from time to time, become aware of illegal activities

involving hazardous waste exports.

In conclusion, I believe that EPA=s waste program is functioning very effectively to protect human health and the environment from illegal exports of hazardous wastes.

If you have additional questions, please contact the RCRA Hotline at (800) 424-9346. For additional information about EPA=s various hazardous and solid waste programs, please consult our web site at [www.epa.gov](http://www.epa.gov). Finally, further information on the Basel Convention can be found at the United Nations Environment Program/Basel Convention web site at [www.unep.ch/basel](http://www.unep.ch/basel).

Thank you for you interest in the safe and effective management of hazardous wastes.

Sincerely,

Elizabeth A. Cotsworth, Director  
Office of Solid Waste